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of any constitutional restriction, it would seem clear that the Fourteenth Amendment makes it impossible to hold valid any administration of the estate of a living man. A probate court, which is essentially a court of very limited jurisdiction, acting without a jury, has never been legally empowered to meddle with the goods of any living person, nor can it do so by any "due process of law."

NATURAL GAS — POLICE POWER. — The Supreme Court of Indiana has decided in the case of *Townsend v. State*, 47 N. E. Rep. 19 (Ind.), that an act forbidding the burning of natural gas in flambeau lights is not unconstitutional; being a legitimate exercise of the police power. It is possible to agree with the decision of the court on the ground that the law is simply a prohibition of the use of property in a manner contrary to public policy. This, however, does not at all imply a concurrence in what seems to be the chief ground for its decision. This is based chiefly on the analogy, drawn by a Pennsylvania court in *Gas Co. v. De Witt* (130 Pa. 235), between water, gas, and oil, and animals *feræ naturæ*, in that each of these substances becomes private property only on being reduced to actual possession, and the State, as holding the property for the benefit of the people at large, may decide on what terms it shall be reduced to private possession. So far, this analogy, although at first sight fanciful, seems quite correct on principle. *Gas Co. v. De Witt, supra*; *Gas Co. v. Tyner*, 131 Ind. 277; Gould, Waters, 2d ed., § 291.

When the court comes to its conclusion, however, the argument by analogy fails. The court reasons that, as the game laws, which regulate the capture of animals *feræ naturæ*, have been held constitutional, this present law, which regulates the use of a mineral "*feræ naturæ*," must also be held constitutional. It is submitted that the argument of the court is not sound. The scope and aim of the two laws are quite different. If the Indiana statute were analogous to the game laws, it would have for its subject matter the regulation of the conditions on which, or the ways by which, individuals could take possession of portions of the natural gas of the State. It does nothing of the sort. It does not at all deal with the question of how, or under what conditions, natural gas may become individual property. Assuming that the gas has already been reduced to possession, it concerns itself only with the manner in which he who has become the owner shall use his property. For this reason it would seem that while the decision of the court, as said above, may be correct, the analogy which forms its chief support in the opinion is of no value.

THE RIGHT TO USE THE MAILS. — The United States Circuit Court has recently rendered an interesting decision relating to the right of a citizen to use the government mail system. In the case of *Hoover v. McChesney*, 81 Fed. Rep. 472, the plaintiff, secretary of the Southern Mutual Investment Company, claimed that the defendant, a postmaster, wrongfully refused to deliver his mail. The defendant admitted the withholding, but justified it by two orders of the Postmaster General, alleged to be issued, in pursuance of certain acts of Congress, because the Postmaster General believed the company and the plaintiff were engaged in conducting a lottery contrary to law. The court held that the defendant was justified in withholding mail matter addressed to the